

AMENDED IN ASSEMBLY JANUARY 20, 2010

AMENDED IN ASSEMBLY AUGUST 24, 2009

AMENDED IN SENATE MAY 14, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 662

Introduced by Senator Yee

(Coauthors: ~~Senators Liu, Romero, and Wiggins~~)

**(Coauthors: Assembly Members Adams, Fong, Bonnie Lowenthal, Ma,
Ruskin, Smyth, and Torlakson)
(Coauthor: Senator Wolk)**

February 27, 2009

~~An act relating to domestic violence, making an appropriation therefor. An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to amend Sections 18293, 18304, and 18305 of the Welfare and Institutions Code, relating to domestic violence, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 662, as amended, Yee. ~~Domestic violence: funding. Domestic violence: marriage license fees.~~

Existing law requires the collection of fees for issuing marriage licenses and for confidential marriage licenses.

Existing law requires the collection of a fee in addition to the basic fee for the issuance of a marriage license and for the issuance of an authorization for the performance of marriages without a license, in the amount of \$23. Existing law requires the additional \$23 fee to be collected by the county clerk for deposit into county domestic violence shelter-based programs special funds. Existing law requires fees

collected in the special funds to be disbursed to approved domestic violence shelter-based programs that meet certain requirements on a yearly or more frequent basis.

This bill would increase the fee required to be collected for domestic violence shelter-based programs to \$33.

Existing law provides that proposed or existing domestic violence shelter-based programs that meet the aforementioned requirements shall receive funding from the county domestic violence shelter-based programs special funds.

This bill would, instead, provide that only existing domestic violence shelter-based programs that meet the requirements shall receive funding.

Existing law requires the money in the special funds to be disbursed using a request for qualification (RFQ) process.

This bill would require the RFQ process to involve a determination of whether a domestic violence shelter-based program meets the aforementioned requirements. If a domestic violence shelter-based program meets those requirements, the bill would provide that the program has successfully completed the RFQ process. The bill would provide that an RFQ process shall not be construed to mean a competitive bidding process.

Existing law authorizes a county to establish a program for reducing the incidence of domestic violence in the county by establishing or funding domestic violence shelter-based programs that meet the aforementioned requirements. Existing law authorizes geographically adjacent counties to combine their respective domestic violence shelter-based programs funds in order to establish one or more domestic violence shelter-based programs, in order to provide services to the clients of each county that combines its funds with another county.

This bill would provide that a county may only fund a domestic violence shelter-based program that is located outside of the county if the funding county is funding all domestic violence shelter-based programs located within its borders that meet the aforementioned requirements and the program located outside of the funding county provides services to residents of the funding county.

This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature. By providing for the expenditure of state tax revenue, this bill would make an appropriation.

Existing law provides for the indemnification of victims and derivative victims of specified types of crimes from the Restitution Fund, which is continuously appropriated to the California Victim Compensation and Government Claims Board for these purposes.

Existing law requires the Maternal and Child Health Branch of the State Department of Public Health to administer a comprehensive shelter-based services grant program to battered women's shelters, as prescribed.

This bill would, notwithstanding existing law, appropriate \$16,300,000 from the Restitution Fund to the State Department of Public Health to be allocated for purposes of funding this program.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26840.7 of the Government Code is
2 amended to read:

3 26840.7. In addition to the fee prescribed by Section 26840
4 and as authorized by Section 26840.3, the county clerk shall collect
5 a fee of ~~twenty-three dollars (\$23)~~ *thirty-three dollars (\$33)* at the
6 time of issuance of the license. The fee shall be disposed of by the
7 clerk pursuant to Chapter 5 (commencing with Section 18290) of
8 Part 6 of Division 9 of the Welfare and Institutions Code. Of this
9 amount, four dollars (\$4) shall be used, to the extent feasible, to
10 develop or expand domestic violence shelter-based programs to
11 target underserved areas and populations.

12 SEC. 2. Section 26840.8 of the Government Code is amended
13 to read:

14 26840.8. In addition to the fee prescribed by Section 26840.1
15 and as authorized by Section 26840.3, the person issuing an
16 authorization for the performance of a marriage pursuant to Part
17 4 (commencing with Section 500) of Division 3 of the Family
18 Code or the county clerk, upon providing a blank authorization
19 form pursuant to Part 4 (commencing with Section 500) of Division
20 3 of the Family Code, shall collect a fee of ~~twenty-three dollars~~
21 ~~(\$23)~~ *thirty-three dollars (\$33)* at the time of providing the
22 authorization. The fee shall be disposed of pursuant to Chapter 5
23 (commencing with Section 18290) of Part 6 of Division 9 of the
24 Welfare and Institutions Code. Of this amount, four dollars (\$4)

1 shall be used, to the extent feasible, to develop or expand domestic
2 violence shelter-based programs to target underserved areas and
3 populations.

4 *SEC. 3. Section 18293 of the Welfare and Institutions Code is*
5 *amended to read:*

6 18293. (a) In order to be eligible for funding pursuant to this
7 chapter, a domestic violence shelter-based program shall
8 demonstrate its ability to receive and make use of any funds
9 available from governmental, voluntary, philanthropic, or other
10 sources that may be used to augment any state or county funds
11 appropriated for the purposes of this chapter. Each domestic
12 violence shelter-based program shall make every attempt to qualify
13 the domestic violence shelter-based program for any available
14 federal funding.

15 (b) No provision of this section is intended to prohibit domestic
16 violence shelter-based programs receiving funds pursuant to this
17 chapter from receiving additional funds from any other public or
18 private source. Funds provided pursuant to this chapter shall not
19 be used to reduce the financial support from other public or private
20 sources.

21 (c) ~~Proposed or existing~~ Existing domestic violence shelter-based
22 programs that meet the requirements set forth in Section 18294,
23 shall receive funding pursuant to this chapter upon the approval
24 of the local board of supervisors.

25 (d) Funding shall be given to agencies and organizations whose
26 primary function is to administer domestic violence shelter-based
27 programs. Any additional fees received by Alameda County, Contra
28 Costa County, Solano County, and the City of Berkeley at the time
29 of issuance of a marriage license pursuant to Sections 18308,
30 18309, and 18309.5, that are in excess of the ~~twenty-three dollar~~
31 ~~(\$23)~~ *thirty-three-dollar (\$33)* fee collected pursuant to this act,
32 shall be available to that city or county for funding domestic
33 violence programs other than domestic violence shelter-based
34 programs.

35 (e) Prior to approving a domestic violence shelter-based program
36 or programs for this funding, the board shall consult with
37 individuals and groups that have expertise in the problems of
38 domestic violence and in the operation of domestic violence
39 shelter-based programs including operations of existing domestic
40 violence shelter-based programs.

(f) Upon approving one or more domestic violence shelter-based programs for funding, the board shall direct the county treasurer to disburse moneys from the county's domestic violence shelter-based program special fund and for funding, the board shall designate a local agency to monitor the domestic violence shelter-based program or programs. This monitoring shall include information regarding the number of persons requesting services, the number of persons receiving services according to the type of services provided, and the need, if any, for additional services or staffing.

(g) Programs that receive funding through this chapter shall, to the extent feasible, provide services to persons with a physical disability who are victims of domestic violence. If the program cannot provide the services, then the program's staff, to the extent feasible, shall assist in referring the person with a physical disability to other programs and services in the community where assistance may be obtained.

(h) The process to determine eligibility of a domestic violence shelter-based program to receive funding pursuant to this chapter shall have as its primary purpose to ascertain that the program meets the service requirements of Section 18294. The process shall be expedient and shall include a mechanism for annual recertification.

(i) Funding obtained pursuant to this chapter is for the unrestricted use of a recipient domestic violence shelter-based program, and may be used for direct and indirect costs.

SEC. 4. Section 18304 of the Welfare and Institutions Code is amended to read:

18304. (a) A county may establish a program for reducing the incidence of domestic violence in the county by establishing or funding domestic violence shelter-based programs that meet the requirements of this chapter. Geographically adjacent counties may combine their respective domestic violence shelter-based programs special funds in order to establish one or more domestic violence shelter-based programs meeting the requirements of this chapter, in order to provide services to the clients of each county that combines its funds with another county.

(b) A county may only fund a domestic violence shelter-based program that is located outside of the county if both of the following conditions are satisfied:

1 *(1) The funding county is funding all domestic violence*
2 *shelter-based programs that are located within its borders that*
3 *meet the requirements in Sections 18294 and 18295.*

4 *(2) The domestic violence shelter-based program located outside*
5 *of the funding county provides services to residents of the funding*
6 *county.*

7 *SEC. 5. Section 18305 of the Welfare and Institutions Code is*
8 *amended to read:*

9 18305. (a) (1) At the time of issuance of a marriage license
10 pursuant to Section 26840 of the Government Code, ~~twenty-three~~
11 ~~dollars (\$23)~~ *thirty-three dollars (\$33)* of each fee paid shall be
12 collected by the county clerk for deposit into the county domestic
13 violence shelter-based programs special fund. ~~The~~

14 (2) *The fees collected in this special fund shall be disbursed to*
15 *approved domestic violence shelter-based programs on a yearly*
16 *or more frequent basis commencing July 1, 1980. The*

17 (3) *The funds shall be disbursed using a request for qualification*
18 *(RFQ) process. The RFQ process shall involve a determination of*
19 *whether a domestic violence shelter-based program meets the*
20 *requirements of Sections 18294 and 18295. If a domestic violence*
21 *shelter-based program meets the requirements in Sections 18294*
22 *and 18295, it shall have successfully completed the RFQ process.*
23 *The RFQ process shall not be construed to mean a competitive*
24 *bidding process.*

25 (b) The board of supervisors shall direct the county clerk to
26 deposit ~~twenty-three dollars (\$23)~~ *thirty-three dollars (\$33)* of
27 each fee into the county domestic violence shelter-based programs
28 special fund. The county domestic violence shelter-based programs
29 special fund shall fund domestic violence shelter-based programs
30 established pursuant to Section 18304. Four dollars (\$4) of each
31 ~~twenty-three dollars (\$23)~~ *thirty-three dollars (\$33)* deposited into
32 the county domestic violence shelter-based programs special fund
33 shall be used, to the extent feasible, to support or expand domestic
34 violence shelter-based programs to target underserved areas and
35 populations. No more than 8 percent of the funds shall be expended
36 for the administrative costs associated with the collection and
37 segregation of the additional marriage license fees, administration
38 of the county domestic violence shelter-based programs special
39 fund, monitoring of the domestic violence shelter-based programs,
40 and meeting the other administrative requirements imposed by this

1 chapter. Counties that do not participate in the establishing or
2 funding of domestic violence shelter-based programs pursuant to
3 this chapter shall be entitled to retain up to 4 percent of the funds
4 for the administrative costs associated with the collection and
5 segregation of the additional marriage license fees and the deposit
6 of these fees in the county domestic violence shelter-based
7 programs special fund.

8 ~~SECTION 1. Notwithstanding Section 13964 of the~~
9 ~~Government Code, there is hereby appropriated the sum of sixteen~~
10 ~~million three hundred thousand dollars (\$16,300,000) from the~~
11 ~~Restitution Fund to the State Department of Public Health for~~
12 ~~purposes of funding Chapter 6 (commencing with Section 124250)~~
13 ~~of Part 2 of Division 106 of the Health and Safety Code.~~